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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/812,972

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Ya-Fang Nien

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4871

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09/20/2006

BRUCE H. TROXELL

SUITE 1404

5205 LEESBURG PIKE

FALLS CHURCH, VA 22041

EXAMINER

CHANG, ERIC

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/812,972

Applicant(s)

NIEN ET AL.

Examiner

Eric Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-14 are pending

#### ***Specification***

2. The disclosure is objected to because of the following informalities: the term “optical media” has been used to describe an optical media drive. Optical media is the substrate onto which data has been written for optical retrieval (for example, a compact disc or DVD). An optical media drive is a device used to read optical media.

Appropriate correction is required.

3. The applicant or their representatives are urged to review the specification and submit corrections for all mistakes of a grammatical, clerical, or typographical nature.

#### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: the term “response” on line 6 of the claim should read, “respond”, and the term “plural” on line 7 of the claim should read, “plurality of”. Appropriate correction is required.

5. Claim 4 is objected to because of the following informalities: the term “plural” on line 4 of the claim should read, “plurality of”. Appropriate correction is required.

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6. Claim 6 is objected to because of the following informalities: the term “response” on line 3 of the claim should read, “respond”. Appropriate correction is required.

7. Claim 8 is objected to because of the following informalities: the term “signal” on line 2 of the claim should read, “external signal”. Appropriate correction is required.

8. Claim 10 is objected to because of the following informalities: the term “being waked up” on line 2 of the claim should read, “wakes up”. Appropriate correction is required.

9. Claim 10 is objected to because of the following informalities: the term “signal” on line 3 of the claim should read, “external signal”. Appropriate correction is required.

10. Claim 11 is objected to because of the following informalities: the term “response” on line 2 of the claim should read, “respond”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

11. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim

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term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

13. The term “optical media” in claims 1-14 is used by the claim to mean “media drive”, while the accepted meaning is “optical media for use in a media drive.” The term is indefinite because the specification does not clearly redefine the term.

14. The term “inference” in claims 1-14 is used by the claim to mean “interface”, while the accepted meaning is “the act or process of inferring.” The term is indefinite because the specification does not clearly redefine the term.

15. Claims 8-9 make reference to industry standard ATAPI, and is rejected as being indefinite, as rules change over time. Since the organizations implementing standards meet regularly and have the authority to modify standards, any connection a claim may have to these standards may have varying scope over time.

### ***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1, 6-7 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent 5,345,347 to Hopkins et al.

18. As to claim 1, Hopkins discloses an automatic power conservation method for an media drive, comprising: using a host interface of the media drive to turn off a plurality of circuit components that are still in operation after the media drive enters a sleep mode, and thereafter the host interface also being used to respond to an external signal [col. 14, lines 1-19]; using the host interface of the media drive to wake up the plural circuit components if the external signal requests the media drive to leave the sleep mode [col. 14, lines 19-21].

19. As to claim 6, Hopkins discloses using the host interface of the media drive to respond to a signal sent from a host connecting to the media drive while the media drive enters the sleep-mode [col. 14, lines 19-21].

20. As to claim 7, Hopkins discloses the host is a personal computer [84].

21. As to claim 14, Hopkins discloses an automatic power conservation device for an media drive, featuring: a host interface of the media drive having a firmware embedded therein capable of responding to an external signal inputted from outside the media drive [col. 14, lines 19-21].

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22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 2-5 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,345,347 to Hopkins et al.

24. As to claims 2-3, Hopkins discloses using the host interface of the media drive to turn off a micro-computing unit, and then the other operating circuit components [col. 14, lines 7-19]. It would have been obvious to one of ordinary skill in the art that the various components could be turned off in any suitable order. Furthermore, it would have been obvious to one of ordinary skill in the art that the components to be turned off could include components not being used during the low power mode, such as media drive memory [38].

25. As to claims 4-5, Hopkins discloses using the host interface of the media drive to wake up some of the plural circuit components first before the micro-computing unit being wakened up [FIG. 10]. Furthermore, it would have been obvious to one of ordinary skill in the art that the various components could be turned off in any suitable order.

26. As to claims 8-10, Hopkins discloses the signal is received from the host [col. 14, lines 1-19] via a bus [FIG. 1]. ATAPI is well known in the art to be a bus standard for communications

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between a device and a host computer; it would have been obvious to one of ordinary skill in the art to use ATAPI command signals to signal the device to wake the device from its low power state.

27. As to claims 11-13, Hopkins discloses the host interface responds to the external signal generated by pressing an external input button of a panel when the media drive is entering the sleep mode [col. 6, lines 65-67]. Hopkins teaches that an external button can resume drive functions; it would have been obvious to one of ordinary art that this button may be located at any suitable location, such as on the panel of the media drive.

### ***Conclusion***


28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (571) 272-3671. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 8, 2006  
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JAMES K. TRUJILLO  
PRIMARY EXAMINER  
TC 2100